

CITY COUNCIL MINUTES

April 22, 2013

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 22, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:30 p.m.

ROLL CALL:

Council Members Present: Keith Nesbitt, Bridget Powers, Kevin Hanley (William Kirby arrived at 5:33 p.m.)

Council Members Absent: J.M. "Mike" Holmes

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Community Development Director Will Wong, Senior Planner Reg Murray, Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Powers/Nesbitt/Approved 3:0 (Holmes and Kirby absent)

Council Member Kirby joined closed session at 5:33 p.m.

1. **Initiation of Litigation: One case**
G.C. 54956.9(c)

2. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: All Units

REPORT OUT OF CLOSED SESSION

Mayor Hanley said there were no reportable actions.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Hanley presented a Proclamation for Mosquito and West Nile Awareness Week to Ada Barros, Public Information Officer for the Placer Mosquito and Vector Control District.

Mayor Hanley also presented a Commendation for Brandon Vedder/ *La Source* Film to Brandon's family.

Mayor Hanley introduced Jenna Tiger, who was recently elected Mayor of her elementary school.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Council Member Powers removed item 11 from the consent calendar. Mayor Hanley removed item 9 from the consent calendar.

1. **Minutes**

By **MOTION**, approve the City Council minutes of 3/25/2013.

2. **Auburn Airport Land Lease**

By **RESOLUTION 13-30**, authorize the City Manager or his designee to approve the assignment and assumption of the land leases between the City of Auburn and Fine Particle Technology LLC to Auburn Industrial Park No. 1 and 2, L.P., and authorize execution of all related documents.

3. **Palm Avenue Sidewalk and Bicycle Lane Project – Right-of-Way Acquisitions**

By **RESOLUTION 13-31**, authorize the Director of Public Works to execute Right-of-Way Contracts for right-of-way acquisitions based on the fair market value for the Palm Avenue Sidewalk and Bicycle Lane Project improvements in an amount not to exceed \$29,150.

4. **Palm Avenue Sidewalk and Bicycle Lane Project – Right-of-Way Certification Consultant Services**

By **RESOLUTION 13-32**, authorize the Director of Public Works to execute Amendment 1 with Bender Rosenthal, Inc. for Right-of-Way

Certification services for the Palm Avenue Sidewalk and Bicycle Lane Project in an amount not to exceed \$29,100.

5. **Second Reading of Ordinance for Reasonable Accommodation**

By motion, hold a second reading, by title only, and adopt an **ORDINANCE 13-06** for Reasonable Accommodation with adds Sections 159.430 through 159.434 to the Auburn Municipal Code.

6. **Second Reading of Ordinance for Residential Care Facilities**

By motion, hold a second reading, by title only, and adopt an **ORDINANCE 13-07** which defines residential care facilities and permits large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2).

7. **Airport Operations Technician Contract**

By **RESOLUTION 13-33**, the City Council authorizes the Director of Public Works to execute a contract with Walter L. Wilson for the Airport Operations Technician position.

8. **Wildland Fire Protection Agreement with Cal Fire, FY 2013-2014**

By **RESOLUTION 13-34**, approve and authorize the Fire Chief to sign the Wildland Fire Protection Agreement for FY 2013-2014 with Cal Fire (Department of Forestry & Fire Protection).

9. **Memorandum of Understanding: Between Auburn Fire Department and U.S. Bureau of Reclamation**

Removed from consent calendar.

10. **Amendment No. 1 to the Consultant Agreement for Wastewater Consulting – Stantec Consulting, Inc.**

By **RESOLUTION 13-36**, authorize the Director of Public Works to execute Amendment No. 1 to the consultant agreement with Stantec Consulting, Inc. for wastewater consulting services.

11. **Acceptance of \$5,000 Donation**

Removed from the consent calendar.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar excluding items 9 and 11.
MOTION: Powers/Nesbitt/Approved 4:0 (Holmes absent)

11a. **Memorandum of Understanding: Between Auburn Fire Department and U.S. Bureau of Reclamation**

Mayor Hanley said he removed this item from the consent calendar because he wanted to stress the importance of the MOU with the Bureau of Reclamation. He spoke of the history of the work between the two agencies and the future work to be completed.

By **RESOLUTION 13-35**, authorize the Fire Chief to sign the Memorandum of Understanding between the Auburn Fire Department and U.S. Bureau of Reclamation.

MOTION: Hanley/Powers/Approved 4:0 (Holmes absent)

11b. **Acceptance of \$5,000 Donation**

Council Member Powers said she removed this item from the consent calendar because she wanted to highlight the Police Department and state that the donation is greatly appreciated. All Council Members echoed this comment.

By **RESOLUTION 13-37**, accept an unsolicited \$5,000 donation from Richard Rey that was presented to the Auburn Police Department.

MOTION: Powers/Nesbitt/Approved 4:0 (Holmes absent)

12. **Public Comment**

Council Member Powers commented on the "One Book One Community" Auburn Dam tour, and mentioned that there are two more events related to this program coming up later this week.

Council Member Nesbitt also thanked City Manager Bob Richardson for his recent presentation to his Rotary Club.

COUNCIL BUSINESS

13. **Regional Sewer Common Pipeline Deal Points**

Public Works Director Bernie Schroeder presented this item. She said this is the follow up to the April 8th City Council direction to staff. She provided an update on the Regional Sewer Project, defined the Regional Pipeline

project, and staff drafted deal points. She also spoke about the right to sell/ lease capacity and ability to connect in the common section of the pipeline.

Council Member Nesbitt asked about the possibility of tying in to the closed pipe and how future negotiations of selling capacity would work.

Council Member Kirby asked about the sewer rate increase to individual rate payers to purchase the capacity and future ability to connect if standards cannot be met at the local plant.

Council Member Powers asked about getting a better idea of cost before a final agreement is made.

Mayor Hanley asked about the connection point of the common pipeline and future unexpected costs to Auburn. He asked about the creation of a mutually agreed upon Joint Powers Authority (JPA).

City Attorney Michael Colantuono spoke about how to address the possibility of future disagreements in the JPA.

Bob Snyder, resident of Auburn, spoke in favor of joining the regional pipeline. He said this "gives the community a voice" in government. He said the incremental cost of the larger pipe is a small portion of the construction costs.

Council Member Kirby said involvement in the regional pipeline is critical for the future of Auburn. He said it allows for future alternatives.

Council Member comments followed regarding the deal points and timeline for staff to send them to Lincoln and Placer County.

Council Member Nesbitt said he wants verbiage in the deal points to clarify the possibly of a refund is a transfer is not approved and the connections on the pipeline.

Bernie Schroeder said the environmental work that has been completed so far does not include any other connections to the pipe other than SMD1 and Auburn.

Council Member Nesbitt asked who would be a potential buyer in the future of the capacity in the pipeline.

Bob Snyder, resident of Auburn, gave an example of the possible need of more capacity by Placer County in the future. He spoke of the connection valves on the pipeline.

Council Member Powers motioned to accept the deal points, adding right to sell/lease capacity.

Council Member Nesbitt said he is withdrawing the request for more connections on the pipeline. He said he would like to add if a transfer of right is denied by Lincoln, Lincoln will repurchase capacity from Auburn for the \$2.8 million plus interest.

City Attorney Michael Colantuono said as the deal point is drafted, #3 states Auburn has the right to sell or lease the capacity. He spoke of how this will be defined by the time the contract is completed.

Council Member Powers clarified the two changes are: more detail on the right to sell or lease and the ability to get a refund if the transfer is not approved for any reason.

Powers/ Kirby/ Approved 3:1 (Hanley voted no, Holmes absent)

Mayor Hanley said he does not support this item. He said the approach should have been to go big or go home. He said that requires a demonstration of economy of scale that would show future savings for the City of Auburn and requires a JPA, a shared cost, shared savings incentive system to make it work. He said this is not a true regional system because there is no true sharing of costs and savings. He said it is an unstable structure that Placer County and City of Lincoln have agreed to.

REPORTS

14. City Council Committee Reports

Council Member Powers reported on the guest speakers at the Auburn Airport Business Park Association last week. She reported on the Placer County Economic Development Board meeting at the State Theatre.

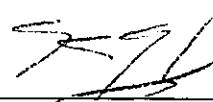
Council Member Kirby complimented John with the Auburn Journal on his articles regarding the Citizen's Academy. He complimented the Auburn Police Department on the Citizens' Academy and suggested creating a short video on public safety topics to be placed on the City website.

Council Member Nesbitt reported on the Economic Development Commission's busy work plan for the next year. He reported on the Placer County Transportation Planning Agency goals for development funding strategies. He reported that the Capital Corridor JPA continues to look for ways to bring the second train to Auburn. He said ridership is down 3-5% from last year and is holding a record of being on time 94%.

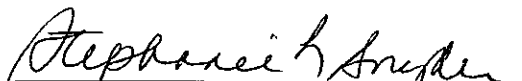
Mayor Hanley reported on that Greater Auburn Area Fire Safe Council developing markers for the shaded fuel break.

ADJOURNMENT

Mayor Hanley acknowledged the tragic national events of the past week (Boston Marathon bombing and the Industrial accident in West, Texas) and adjourned the meeting in memory of those who lost their lives at 7:35 p.m.



Kevin Hanley, Mayor



Stephanie L. Snyder, City Clerk